

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 20-CV-954**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL  
MANAGEMENT SERVICES, INC.,

Defendants.

**PLAINTIFF'S OPPOSITION TO  
THE MOTION TO SEAL OF  
CHRISTOPHER SWECKER  
AND CHRIS SWECKER  
ENTERPRISES**

Plaintiff respectfully opposes the Motion to Seal of Christopher Swecker and Chris Swecker Enterprises (collectively, "Swecker") as to Exhibits C and D to his Motion for Contempt and Sanctions (the "Exhibits" and "Motion," respectfully), as well as large portions of the Motion. *See* ECF No. 459. Swecker's primary rationale for sealing the Motion and Exhibits is that he designated the underlying documents—Wells Fargo bank records—as "Confidential" under the parties' Protective Order. *See* ECF No. 177. The Court has made clear that the fact that documents are covered by the Protective Order is not sufficient justification for sealing. Additionally, Defendants and those aligned with them—like Swecker—have repeatedly abused the Protective Order by designating almost all documents produced in discovery as "Confidential," burdening the Court with dozens of motions to seal contrary to the principle of open justice. There is no justification for sealing the Motion and Exhibits, and the motion to seal should be denied.

## **LEGAL STANDARD**

“The operations of the courts and the judicial conduct of judges are matters of utmost public concern.” *Landmark Commc’ns, Inc. v. Virginia*, 435 U.S. 829, 839 (1978). Thus, courts “recognize a general right to inspect and copy . . . judicial records and documents.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). “The right of public access to documents or materials filed in a district court derives from two independent sources: the common law and the First Amendment.” *Virginia Dep’t of State Police v. Washington Post*, 386 F.3d 567, 575 (4th Cir. 2004). Relevant here, the common-law presumption of open records and access should only be rebutted “if countervailing interests heavily outweigh the public interests in access” and “[t]he party seeking to overcome the presumption bears the burden of showing some significant interest that outweighs the presumption” that records should not generally be sealed. *Rushford v. New Yorker Mag., Inc.*, 846 F.2d 249, 253 (4th Cir. 1988) (citation omitted). The Court must also consider “less drastic alternatives, such as redaction of any sensitive material.” *McRae v. Harrison*, No. 5:17-CV-23, 2019 WL 13301605, at \*1 (E.D.N.C. May 23, 2019).

## **ARGUMENT**

Swecker fails to offer specific reasons why the Court should permit him to seal the Exhibits and redact his Motion. Instead, his primary argument is that Exhibit D, an excerpt of Swecker’s Wells Fargo bank records, was designated as “Confidential” under the parties’ Protective Order, and his

Motion, as well as Exhibit C, refer to information found in Exhibit D. *See* ECF No. 459 at 1-3. As this Court recently explained, “[t]he fact that the materials at issue here fall within the scope of the protective order is not determinative of whether any public right of access has been overcome.” ECF No. 451 at 6-7. Likewise, during an August 2024 hearing, the Court explained that confidentiality designations do not “give [the Court] enough to weigh what was disclosed, why it was confidential in the first place, and why [the Court] should permit the sealing of the document.” *See* ECF No. 420 at 9. Swecker, however, fails to offer any specific explanation for how disclosure would cause harm.

Swecker’s only other arguments for sealing are vague and conclusory. He asserts that the Motion and Exhibits contain “client information and related financial transactions,” and that disclosure would “invade the confidentiality of the identities of Swecker’s former clients and their financial transactions.” ECF No. 459 at 3. Swecker fails to explain why any of the information is confidential to begin with. Nor does he provide less restrictive alternatives, such as redacting of client names. Accordingly, there is no justification for sealing the Motion or Exhibits.

### **CONCLUSION**

For the foregoing reasons, Swecker’s request to redact his Motion and seal the Exhibits should be denied.

This, the 9th day of May, 2025.

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Ripley Rand

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### **CERTIFICATE OF WORD COUNT**

The undersigned certifies compliance with Local Rule 7.3(d) regarding length limitations. his brief contains fewer than 6,250 words. The undersigned has relied on the word count feature of Microsoft Word 365 in making this certification.

*/s/ Ripley Rand*

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Ripley Rand

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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